

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

U.S. COMMODITY FUTURES TRADING
COMMISSION, *et al.*

Plaintiffs,

V.

TMTE, INC. a/k/a METALS.COM, CHASE
METALS, INC., CHASE METALS, LLC,
BARRICK CAPITAL, INC., LUCAS THOMAS
ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER,
and SIMON BATASHVILI,

Defendants,

TOWER EQUITY, LLC,

Relief Defendant.

§ 87(2)(b)

CIVIL ACTION NO.
3:20-CV-2910-L

RECEIVER'S NOTICE OF INTENDED SALE OF AUTOMOBILES BY PRIVATE SALE

In accordance with the *Consent Order Governing the Administration of the Receivership, Procedures Governing the Sale or Abandonment of Personal Property, Notice of Intended Sale, Disposition of Various Items and Fee Application Procedures* (the “Order”) entered on December 9, 2020 [Docket No. 213], the Receiver Kelly Crawford hereby gives notice of the intended private sale of two automobiles, as set forth herein.

1. The *Order* authorizes the Receiver to sell certain property by private sale, provided that notice of the terms of the proposed sale are filed with the Court at least seven days before transferring title or possession of the property. *Order*, ¶1c. If during this seven day period the

Receiver does not obtain bids exceeding 10% of the proposed sale price, the Receiver can proceed with the sale.

2. The Receiver took possession of a 2016 Mercedes -Benz G63 described on Exhibit A attached hereto (the “Mercedes”), and a 2020 Ford Mustang described on Exhibit B attached hereto (the “Mustang”).

3. The Receiver retained Mountain Motors of Santa Clarita, California 91321 to market and sell the Mercedes and Mustang. Mountain Motors charges a commission of 15% of the sales price.

SALE OF THE MERCEDES

4. Mountain Motors inspected the Mercedes and determined that the Mercedes needs repairs estimated at \$9,020¹. *See Exhibit A.* The Kelley Blue Book value of the Mercedes is \$80,724. Mountain Motors solicited bids from North Hollywood Toyota, Jonathan Genish, K&J Auto Exchange, National Fleet Wholesale, Ernesto Garnica, Wheels Unlimited, William Landrum, and Brant Bostor to purchase the Mercedes.

5. K&J Auto Exchange 84883, 8048 Haskell Avenue, Van Nuys, California 91406 (“K&J Auto Exchange”) offered to purchase the Mercedes for \$75,000. This offer was the highest offer received by the Receiver, and the Receiver determined that accepting the offer from this purchaser would be in the best interest of the receivership. The purchaser has no relationship to any of the parties, the Receiver, attorneys, or investors in this case. Based on the foregoing, in seven days, provided an offer exceeding the offer of \$75,000 by 10% is not received by the Receiver, the Receiver intends to sell the Mercedes to K&J Auto Exchange on an “As-Is” basis for \$75,000. From this amount, the Receiver will pay the lien on the Mercedes held by Lentegrity

¹ Mountain Motors also obtained the fog permit for the Mercedes as required in order to transfer title.

in the amount of \$50,737.58², resulting in a net of \$24,262.42 to the receivership. From this net to the receivership, the Receiver will pay Mountain Motors a commission of 15% or \$3,639. The receivership will realize \$20,623.42 from the sale of the Mercedes.

6. SALE OF THE MUSTANG

7. Mountain Motors inspected the Mustang and determined that it needs repairs estimated at \$1,270, as shown on Exhibit B. The Kelley Blue Book value of the Mustang is \$83,072. Mountain Motors solicited bids from North Hollywood Toyota, Jonathan Genish, K&J Auto Exchange, National Fleet Wholesale, Ernesto Garnica, Wheels Unlimited, William Landrum, and Brant Bostor to purchase the Mustang.

8. National Fleet Wholesale 52932, 22311 Ventura Blvd., Suite 122, Woodland Hills, California 91364 offered to purchase the Mustang for \$72,500. This offer was the highest offer received by the Receiver, and the Receiver determined that accepting the offer from this purchaser would be in the best interest of the receivership. The purchaser has no relationship to any of the parties, the Receiver, attorneys, or investors in this case. Based on the foregoing, in seven days, provided an offer exceeding the offer of \$72,500 by 10% is not received by the Receiver, the Receiver intends to sell the Mustang to National Fleet Wholesale on an "As-Is" basis for \$72,500. From this amount, the Receiver will pay Mountain Motors a 15% commission of \$10,875, resulting in a net payment to the receivership of \$61,625. The Mustang is owned free and clear of liens so the receivership will realize \$61,625 from the sale of the Mustang.

9. This notice of the intended sale of the Automobiles has also been posted on the website maintained by the Receiver at www.metalsandbarrickcapitalreceivership.com.

² Interest will continue to accrue on the loan and increase the payoff figure until the car is sold and the lien is paid.

Respectfully submitted

SCHEEF & STONE, L.L.P.

/s/ Peter Lewis

Peter Lewis

Texas State Bar No. 12302100

500 N. Akard Street, Suite 2700

Dallas, Texas 75201

Telephone: 214.706.4200

Telecopier: 214.706.4242

ATTORNEYS FOR RECEIVER

KELLY M. CRAWFORD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 12, 2021 I electronically filed the foregoing document with the clerk of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court, and the electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record.

/s/ Kelly Crawford

Kelly Crawford



24116 Newhall Ave
Santa Clarita, Ca 91321
1-661-288-2277

INSPECTION REPORT Member Name: 252454

Account #: 252454

NOI: 12/23/2020

2016 MERCEDES-BENZ G63 STOCK #: 2454

COLOR: FLAT BLACK (WRAP)

INTERIOR: BLACK

ODO: 25693

VIN: WDCYC7DF7GX252454

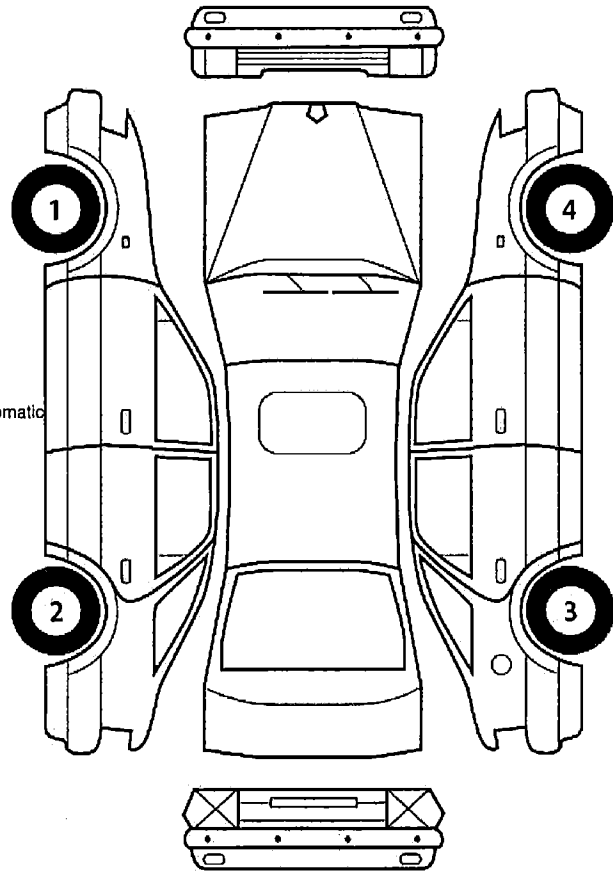
LIC: R883F0

OF KEYS: 1

STATE: CA

VEHICLE EQUIPMENT

| | |
|--|--|
| ABS (4-Wheel): <input checked="" type="checkbox"/> | Leather: <input checked="" type="checkbox"/> |
| Air Conditioning: <input checked="" type="checkbox"/> | Moon-Roof: <input checked="" type="checkbox"/> |
| AM/FM Stereo: <input checked="" type="checkbox"/> | Navigation System: <input checked="" type="checkbox"/> |
| Anti-Theft System: <input checked="" type="checkbox"/> | Oversized Premium Wheels 20"+: <input checked="" type="checkbox"/> |
| Backup Camera: <input checked="" type="checkbox"/> | Power Door Locks: <input checked="" type="checkbox"/> |
| Bluetooth Wireless: <input checked="" type="checkbox"/> | Power Steering: <input checked="" type="checkbox"/> |
| CD/MP3 (Multi Disc): <input checked="" type="checkbox"/> | Power Windows: <input checked="" type="checkbox"/> |
| Cruise Control: <input checked="" type="checkbox"/> | Tilt Wheel: <input checked="" type="checkbox"/> |
| Dual Power Seats: <input checked="" type="checkbox"/> | Towing Pkg: <input checked="" type="checkbox"/> |
| Engine: V8, TWIN TURBO, 5.5 LITER | Traction Control: <input checked="" type="checkbox"/> |
| Heated Seats: <input checked="" type="checkbox"/> | Transmission: Automatic |
| Keyless Entry: <input checked="" type="checkbox"/> | |

**DESCRIPTION OF RECON**

| | |
|--------------------------|-----------|
| DETAIL | \$150.00 |
| DING REMOVAL | \$75.00 |
| TOUCH UP | \$45.00 |
| 4 TIRES | \$1250.00 |
| REMOVE WRAP | \$1000.00 |
| WHEEL AND TIRE (SPARE) | \$1500.00 |
| SPARE COVER (FIBERGLASS) | \$5000.00 |

Total Estimate of Repairs
\$9,020.00

ANNOUNCEMENTS**OBDII**

ALL MONITORS CLEAR

KBB VALUE \$80,724 BLACKBOOK VALUE \$82,800

BIDS

☐ ORIGINAL
☒ PRIOR PAINT
☐ GOOD
☒ REPAIR / REPLACE

CONDITION OF TIRES

Tire 1 Replace
 Tire 2 Replace
 Tire 3 Replace
 Tire 4 Replace

EXHIBIT**A**

tabbles



24116 Newhall Ave
Santa Clarita, Ca 91321
1-661-288-2277

INSPECTION REPORT Member Name: 501267

Account #: 501267

NOI: 12/22/2020

2020 FORD MUSTANG

STOCK #: 1267

COLOR: BLACK

INTERIOR: BLACK

ODO: 1808

VIN: 1FA6P8SJ2L5501267

LIC: N/A

STATE:

EXP: May 2021

OF KEYS: 2

VEHICLE EQUIPMENT

| | |
|---|--|
| ABS (4-Wheel): <input checked="" type="checkbox"/> | Keyless Entry: <input checked="" type="checkbox"/> |
| Air Conditioning: <input checked="" type="checkbox"/> | Leather: <input checked="" type="checkbox"/> |
| AM/FM Stereo: <input checked="" type="checkbox"/> | Navigation System: <input checked="" type="checkbox"/> |
| Anti-Theft System: <input checked="" type="checkbox"/> | Power Door Locks: <input checked="" type="checkbox"/> |
| Backup Camera: <input checked="" type="checkbox"/> | Power Steering: <input checked="" type="checkbox"/> |
| Bluetooth Wireless: <input checked="" type="checkbox"/> | Power Windows: <input checked="" type="checkbox"/> |
| CD/MP3 (Single Disc): <input checked="" type="checkbox"/> | Premium Wheels: <input checked="" type="checkbox"/> |
| Cruise Control: <input checked="" type="checkbox"/> | Rear Spoiler: <input checked="" type="checkbox"/> |
| Dual Power Seats: <input checked="" type="checkbox"/> | Tilt Wheel: <input checked="" type="checkbox"/> |
| Engine: V8, SUPERCHARGED, 5.0L: <input checked="" type="checkbox"/> | Transmission: Automatic |
| Heated Seats: <input checked="" type="checkbox"/> | |

DESCRIPTION OF RECON

DETAIL \$150.00

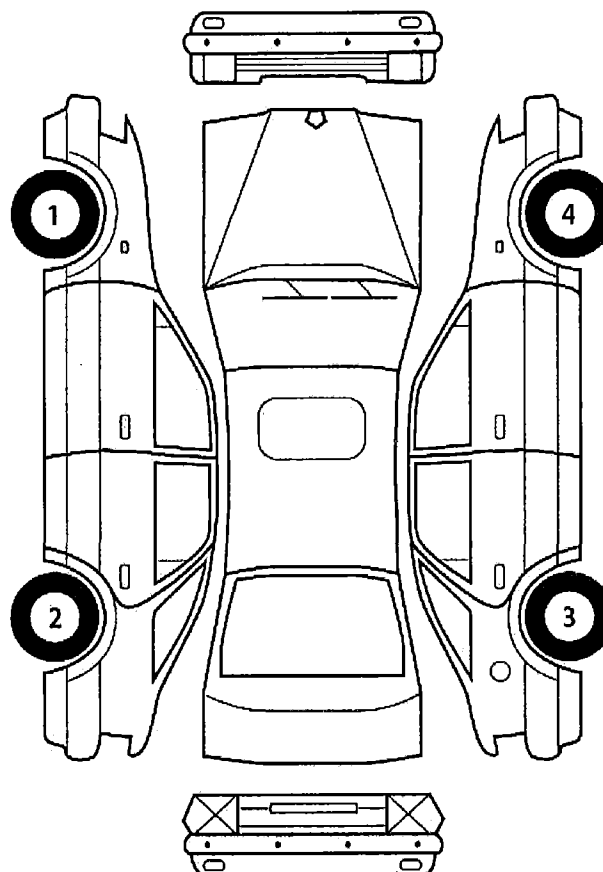
DING REMOVAL \$75.00

TOUCH UP \$45.00

2 tires \$1000.00

Total Estimate of Repairs**\$1,270.00****ANNOUNCEMENTS****OBDII**

KBB VALUE \$83,072 BLACKBOOK VALUE \$80,650

BIDS

☐ ORIGINAL
☒ PRIOR PAINT
☒ GOOD
☒ REPAIR / REPLACE

CONDITION OF TIRES

Tire 1 Good
 Tire 2 Good
 Tire 3 Good
 Tire 4 Good

EXHIBIT

tabbles

B